



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



June 2, 2009

Jon Sanabria
Acting Director of Planning

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

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JUNE 2, 2009

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors,

SUBJECT: HEARING ON ORDINANCE EXTENDING INTERIM ORDINANCE NO. 2008-0027U WHICH TEMPORARILY REGULATES DEVELOPMENT ON ALL RESIDENTIALLY-ZONED PARCELS IN THE UNINCORPORATED COMMUNITY OF CERRITOS ISLAND BY REQUIRING A CONDITIONAL USE PERMIT FOR NEW RESIDENTIAL BUILDINGS AND ADDITIONS (4 VOTES).

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Find that extension of Interim Ordinance No. 2008-0027U is not subject to the California Environmental Quality Act (CEQA).
2. Adopt the ordinance extending Interim Ordinance No. 2008-0027U for a period of one year.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

On June 10, 2008, the Los Angeles County Board of Supervisors adopted Interim Ordinance No. 2008-0027U, to address potentially adverse impacts of development of residentially-zoned property in the unincorporated community of Cerritos Island. The Interim Ordinance temporarily regulates the development of residential buildings or residential building additions which exceed 26 feet in height and yard modifications other than fences or walls located within the required setbacks of residentially-zoned parcels in the affected area by requiring a conditional use permit prior to such development. The area covered by the Interim Ordinance is bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west. Unless the interim ordinance is extended, an irreversible incompatibility of building size, bulk and height, yard sizes and street access might occur as a result of approval of applicable entitlements.

On July 22, 2008 the Board of Supervisors conducted a public hearing and extended the interim ordinance for ten months and 15 days to allow sufficient time for the Department of Regional Planning (Planning Department) to complete a zoning study and develop recommendations for an appropriate permanent solution. This extension will expire on June 9, 2009.

The Planning Department has researched various means for addressing the conditions unique to the unincorporated area of Cerritos Island. Staff has also consulted with the County Fire and Public Works Departments as well as staff from the City of Cerritos to discuss their residents' particular concerns. Staff's research and consultations have provided important background information needed for a further analysis and recommendations of alternatives to address development-related issues in unincorporated Cerritos Island. The extension of Interim Ordinance No. 2008-0027U will allow Planning Department staff sufficient time to consider and evaluate corrective solutions in a Zoning Study, and if determined necessary, to prepare any associated ordinances or amendments to the Los Angeles County Zoning Code (Title 22).

FISCAL IMPACT/FINANCING

Extension of said Interim Ordinance would not result in any fiscal impacts or financing as the preparation of the Zoning Study and any ordinance or amendment to Title 22 would be conducted with the currently budgeted staffing and resources.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to Section 65858 of the Planning and Zoning Law (Title 7 of the California Government Code), Interim Ordinance No. 2008-0027U was adopted by the Board of Supervisors on June 10, 2008 and extended on July 22, 2008. The urgency measure temporarily requires a conditional use permit for proposed residential buildings or additions to residences that would exceed 26 feet in height and yard modifications on residentially-zoned parcels in the affected unincorporated Cerritos Island area.

The provisions of Section 65858 limit the first extension period of Interim Ordinance No. 2008-0027U to ten months and 15 days. In view of the approaching June 9, 2009 expiration date, it is recommended that the Interim Ordinance be extended for twelve months as provided in Section 65858. The extension will provide sufficient time for the Planning Department to complete a zoning study to review all residentially-zoned properties in the affected area and to assess zoning compatibility with the surrounding community. Additional time is needed to meet with the affected parties and neighboring city agencies, to consider and evaluate appropriate recommendations and, if needed, draft any associated ordinances or amendments to the Los Angeles County Zoning Code. If the Interim Ordinance is not extended, residential development may be approved absent of the restrictions contained in Interim Ordinance 2008-0027U which could potentially cause adverse impacts in the form of incompatible development that detracts from the physical appearance, conditions, and character of the area, and cause impacts on fire safety to the detriment of public health, safety, and general welfare.

Extension of the Interim Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, Title 14, Chapter 3, because extension of the Interim Ordinance would limit development pending completion of the contemplated zoning study.

Extension of this ordinance requires that the Board conduct a public hearing at which time the ordinance extending the Interim Ordinance may be adopted by no less than a four-fifths vote. The date of the public hearing has been set for June 2, 2009. Publication of a notice of this

public hearing will take place not less than ten (10) days prior to the hearing date, as required. In addition, the Planning Department will mail notices to interested residents and property owners in the affected area.

IMPACT ON CURRENT SERVICES OR PROJECTS

The proposed ordinance has no impact on current services or projects as the zoning compatibility study and associated tasks could be conducted without additional resources and staff.

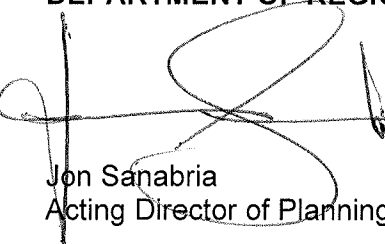
CONCLUSION

Extension of Interim Urgency Ordinance No. 2008-0027U would ensure that proposed residential development projects in the unincorporated Cerritos Island area would receive the necessary evaluation provided through the Conditional Use Permit review and public hearing process. Said Interim Ordinance would also provide staff with sufficient time to complete a Zoning Study, recommend appropriate corrective solutions and, if determined necessary, develop any associated ordinance or amendments to the Los Angeles County Zoning Code. This extension would not generate any fiscal impact or adversely impact current services or projects.

The proposed ordinance extending Interim Ordinance No. 2008-0027U has been prepared by County Counsel and is attached. A suggested notice of public hearing is also attached. If you have any questions, please contact me or Dr. Russell Fricano at (213) 974-4885.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING



Jon Sanabria
Acting Director of Planning

JS:RJF:SFR:VS

Attachments: Sample public hearing notice
Ordinance

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

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(213) 633-0901

ROBERT E. KALUNIAN
Acting County Counsel

May 14, 2009

Jon Sanabria, Acting Director
Department of Regional Planning
1390 Hall of Records
320 West Temple Street
Los Angeles, California 90012

**Re: Second Extension of Cerritos Island Interim
Urgency Ordinance**

Dear Mr. Sanabria:

As requested, enclosed are the analysis and ordinance extending Interim Ordinance No. 2008-0027U, as previously extended by Interim Ordinance No. 2008-0038U, to temporarily require a conditional use permit to construct or modify residential buildings that exceed 26 feet in height or for yard modifications in the residentially-zoned properties in the Cerritos Island area, pending completion of a zoning study to review such properties to determine appropriate zoning regulations. If approved, this ordinance will extend Interim Ordinance No. 2008-0027U, as previously extended by Interim Urgency Ordinance No. 2008-0038U, for one year without any other modification.

Very truly yours,

ROBERT E. KALUNIAN
Acting County Counsel

By

ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

ROBERT E. KALUNIAN
Acting County Counsel


EML:vn
Enclosures

ANALYSIS

This ordinance extends Interim Ordinance No. 2008-0027U, as previously extended by Interim Ordinance No. 2008-0038U, for a maximum period of one year to June 9, 2010. This extension ordinance temporarily regulates the development of all residentially-zoned parcels improved, or to be improved, with residential buildings in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west, by requiring a conditional use permit for buildings and building additions that exceed 26 feet in height and for yard modifications other than for fences or walls which are located within required setbacks. Interim Ordinance No. 2008-0027U, as extended by Interim Ordinance No. 2008-0038U, is scheduled to expire on June 9, 2009, unless extended pursuant to Government Code section 65858.

This extension ordinance is an urgency measure which requires a public hearing and a four-fifths vote by the Board of Supervisors for adoption. It is the last extension of the urgency ordinance allowed under Government Code section 65858.

ROBERT E. KALUNIAN
Acting County Counsel

By 
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:vn

05/12/09 (requested)

05/13/09 (revised)

HOA.611538.1

ORDINANCE NO. _____

An ordinance extending Interim Ordinance No. 2008-0027U, as previously extended by Interim Ordinance No. 2008-0038U, temporarily regulating the use of all residential buildings on residentially-zoned parcels in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west, declaring the urgency thereof, and that this ordinance will take effect on June 9, 2009.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim prohibition.

Pursuant to section 65858 of the Government Code, the Board of Supervisors, having held a public hearing, hereby extends Interim Ordinance No. 2008-0027U, as previously extended by Interim Ordinance No. 2008-0038U, to June 9, 2010. Interim Ordinance No. 2008-0027U and Interim Ordinance No. 2008-0038U provided, and this extension similarly provides, that no residential buildings or residential building additions which exceed 26 feet in height shall be constructed and no yard modifications except for fences or walls located within required setbacks shall be permitted on any property improved, or proposed to be improved, with a residential building that: (1) is located within the area described in Section 6, below; and (2) is zoned for residential use as defined in Title 22 of the Los Angeles County Code, unless a conditional use permit is first issued in accordance with the procedures set forth in Part 1 of Chapter 22.56 of said Title 22.

SECTION 2. Adoption and expiration of initial interim ordinance; authority.

Interim Ordinance No. 2008-0027U was adopted on June 10, 2008, and was subsequently extended for ten (10) months and fifteen (15) days by Interim Ordinance No. 2008-0038U. Unless this second extension ordinance takes effect on or before June 9, 2009, Interim Ordinance No. 2008-0027U will expire. California Government Code section 65858 provides that any urgency measure in the form of an initial interim ordinance may be adopted without following the procedures otherwise required prior to adoption of a zoning ordinance, by a four-fifths vote of the Board of Supervisors, which shall be effective for only forty-five (45) days following its adoption. Government Code section 65858 further provides that such an urgency measure may be extended, following compliance with that section, for an additional ten (10) months and fifteen (15) days beyond the original forty-five (45)-day period, and it may be extended a second time for an additional year.

SECTION 3. Definitions and penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to the interpretation and to violations of the provisions of this interim ordinance.

SECTION 4. Zoning study initiated, determination of immediate threat.

The Los Angeles County Regional Planning Department ("Planning Department") has undertaken a comprehensive zoning study to review all residentially-zoned properties in the affected Cerritos Island area to consider a possible permanent zoning ordinance amendment. The Planning Department has reviewed development standards in the area to, among other things, assess the heights and yard sizes for buildings and street access issues. The affected area includes many substandard lots in terms of size and many parcels are located on substandard streets. Residential development in the Cerritos Island area and surrounding communities has a certain character in terms of yard size and building heights. Generally in the past, development accounted for the size of the lots and impacts on neighboring properties and the buildings constructed were consistent with the character of the community. More recently, however, buildings near the maximum height limit, and with less than required setbacks, have been constructed which are not compatible with other homes in the area and are out of character with the surrounding community. Also, at least one street in the Cerritos Island area is substandard in width raising, among other things, questions related to fire safety. Allowing residential buildings or residential building additions that exceed twenty-six (26) feet in height and permitting yard modifications for residential buildings in the affected area to proceed without the oversight provided by the review

process for a conditional use permit, may negatively impact and detract from the physical appearance, conditions, and character of the area and may impact fire safety. Unless Interim Ordinance No. 2008-0027U, as extended by Interim Ordinance No. 2008-0038U, is further extended as provided for herein, an irreversible incompatibility of land uses might reasonably occur as a result of the approval of additional subdivisions, variances, building permits, site plans, yard modifications, or other applicable entitlements, all to the detriment of the public health, safety, and welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, variances, building permits, site plans, yard modifications, or other applicable entitlements for use would result in that threat to the public health, safety, or welfare absent extension of the restrictions contained in Interim Ordinance No. 2008-0027U as previously extended by Interim Ordinance No. 2008-0038U. If this interim ordinance does not take effect on June 9, 2009, uses that may be in conflict with any permanent amendment to the zoning code for the affected Cerritos Island area that may be adopted as a result of the Planning Department study may be established, and these uses may continue after any permanent re-zoning of the properties described in Section 6.

SECTION 5. Severability.

If any provision of this interim ordinance extension or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect

other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 6. Area of applicability.

This interim ordinance applies to parcels in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west. This area is surrounded by the City of Norwalk to the north and the City of Cerritos in all other directions.

SECTION 7. Urgent need.

This interim ordinance extension is urgently needed for the immediate preservation of the public health, safety, and welfare and it shall take effect on June 9, 2009, and it shall be of no further force and one year following the date of its taking effect.

[CERRITOSURGORDEXT062009ELCC]

**NOTICE OF PUBLIC HEARING
ON PROPOSED ORDINANCE EXTENDING
INTERIM ORDINANCE NO. 2008-0027U**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Supervisors, in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California at 9:30 AM, on June 2, 2009, pursuant to Government Code Section 65858, to hear testimony related to the proposed ordinance extending Interim Ordinance No. 2008-0027U for a period not to exceed one year as provided in Government Code Section 65858.

Said Interim Urgency Ordinance temporarily requires approval of a Conditional Use Permit for new residential buildings and additions in the affected Cerritos Island area that exceed 26 feet in height and/or require a yard modification (excluding walls and fences) that are within the required setback area. This Interim Urgency Ordinance applies to properties bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west. The public hearing will consider a proposed extension of said interim ordinance to allow staff of the Department of Regional Planning additional time to complete a Zoning Study to address residential development-related issues in the Cerritos Island.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call the Community Studies I Section of the Los Angeles County Department of Regional Planning at (213) 974-4885 between 7:30 a.m. and 6:00 p.m., Monday through Thursday. The offices are closed on Fridays.

“ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternative format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (voice) or (213) 617-2292 (TDD) with at least three business days notice.”

Si no entiende este aviso o necesita mas información, por favor llame este numero (213) 974-4885.